

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

WILLIAM T. MOCK, *et al.*,

*Plaintiffs,*

v.

MERRICK B. GARLAND, *et al.*,

*Defendants.*

Civil Action No. 4:23-cv-95-O

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants respectfully notify the Court of an opinion that the U.S. District Court for the District of North Dakota issued today in *Firearms Regulatory Accountability Coalition, Inc. v. Garland* (*FRAC*), No. 1:23-cv-24 (D.N.D.) (attached as Ex. 1). In that case, the court denied the plaintiffs' motion to preliminarily enjoin the Bureau of Alcohol, Tobacco, Firearms, and Explosives' enforcement of the same rule challenged in this litigation, *Factoring Criteria for Firearms With Attached "Stabilizing Braces,"* 88 Fed. Reg. 6,478 (Jan. 31, 2023) ("Rule"). The plaintiffs comprise twenty-five states, a firearms advocacy association, two manufacturers, and an individual.

The decision in *FRAC* further supports defendants' opposition to plaintiffs' request for a nationwide preliminary injunction, which would provide the plaintiffs in *FRAC* with the very relief to which a sister court decided they were not entitled.

Dated: September 12, 2023

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN  
Assistant Branch Director

/s/ Jody D. Lowenstein

JODY D. LOWENSTEIN (MT Bar No. 55816869)

MICHAEL DREZNER (VA Bar No. 83836)

TAYLOR PITZ (CA Bar No. 332080)

Trial Attorneys

U.S. Department of Justice

Civil Division, Federal Programs Branch

1100 L Street NW

Washington, DC 20005

Phone: (202) 598-9280

Email: jody.d.lowenstein@usdoj.gov

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

On September 12, 2023, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jody D. Lowenstein  
JODY D. LOWENSTEIN  
Trial Attorney  
U.S. Department of Justice